

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BRUCE FERRELL, et al)	
)	Civil Action No. 04 - 1806
Plaintiff,)	
)	Chief Judge Donetta W. Ambrose /
v.)	Magistrate Judge Lisa PupoLenihan
)	
SECRETARY JEFFREY A. BEARD, PHD, et al,)	
)	
Defendants .)	
)	

ORDER

The complaint in this matter was filed in November 2004 with a request for class certification. A class action may not be maintained by a pro se litigant as the law requires that a class be represented by qualified and experienced counsel. Plaintiffs alleged that they were unable to obtain counsel so the Court attempted to locate experienced counsel willing to take this matter. Following two filed declinations, on September 20, 2005, Attorney Phyllis Jin accepted the request to represent an indigent litigant. Since that date, however, the court is not aware that Ms. Jin has done anything on this matter. An initial case management conference was scheduled on June 9, 2006. Ms. Jin failed to appear for said conference and numerous calls to Ms. Jin by the Court, on that day and thereafter, have not been returned.

While the Court is appreciative of the fact that Attorney Jin has indicated a willingness to accept representation in this case, it is now almost two years old and nothing has been done to move it forward. The Court is frustrated with its inability to contact counsel for Plaintiff and is scheduling another initial scheduling conference in an attempt to get this case moving forward. Therefore.

IT IS ORDERED this 11th day of October, 2006, that a Scheduling Conference is set before the undersigned on Oct. 26, 2006 ^{at 3:00 PM} in the chambers of Judge Lenihan in the United States Post Office and Courthouse Building, 700 Grant Street, Pittsburgh, PA 15219.

IT IS FURTHER ORDERED that the parties shall file a report pursuant to Local Rule 26(f) as well as a joint proposed initial scheduling order, in compliance with the practices and procedures of the undersigned¹, no later than Oct. 19, 2006.

If Counsel are unable to attend this conference they are to file a motion to continue. If counsel does not file a motion to continue and fails to appear for said conference they will be held in contempt of court and subject to sanctions.

BY THE COURT:

s/ Lisa Pupo Lenihan
LISA PUPO LENIHAN
U.S. MAGISTRATE JUDGE

cc: Phyllis A. Jin
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¹ <http://www.pawd.uscourts.gov/Documents/Public/Reference/Lenihan.pdf>